



April 14, 1999

Ms. E. Cary Grace
Assistant City Attorney
City of Houston
Legal Department
P.O. Box 1562
Houston, Texas 77251-1562

OR99-1021

Dear Ms. Grace:

You ask whether certain information is subject to required public disclosure under the Texas Public Information Act (the "act"), chapter 552 of the Government Code. Your request was assigned ID# 123389.

The City of Houston Police Department (the "department") received a request for "all public information regarding Mitchell Nicholas and his Sex Offender Registration since his parole on January 03 1993. . . . [and] all dates of registration since his parole and all Int.#10 forms filed since his registration in our city." In response to the request, you submit to this office for review a copy of the information, consisting of eight INT-10 forms, which you assert is responsive. You state that the "City will make available to the requestor the Houston Police Department's current Public Release Information page on the particular individual.¹ You assert that the submitted marked information is protected from disclosure under section 552.101 of the Government Code, in conjunction with chapter 62 of the Code of Criminal Procedure. We have considered the claimed exception and have reviewed the information submitted.

¹Since it does not appear that you have submitted this information, we can only assume that your release was in accordance with *Houston Chronicle Publ'g Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976).

Section 552.101 excepts from disclosure “information considered to be confidential by law, either constitutional, statutory, or by judicial decision.” This section encompasses information protected by other statutes. Article 62.02(b) of the Code of Criminal Procedure requires that the registration form on convicted sex offenders include the following information:

(1) the person’s full name, each alias, date of birth, sex, race, height, weight, eye color, hair color, social security number, driver’s license number, shoe size, and home address;

(2) a photograph of the person and a complete set of the person’s fingerprints;

(3) the type of offense the person was convicted of, the age of the victim, the date of conviction, and the punishment received;


(4) an indication as to whether the person is discharged, paroled, or released on juvenile probation, community supervision, or mandatory supervision; and

(5) any other information required by the department.

Article 62.08(b) of the Code of Criminal Procedure provides that all information contained in either an adult’s or juvenile’s sex offender registration form and subsequently entered into the Department of Public Safety database is *public* information and must be released upon written request, except for the registrant’s photograph, social security number, driver’s license number, numeric street address and telephone number, any information that on its face would directly reveal the identity of the victim, and any information that is required under Article 62.02(b)(5). *See* Open Records Decision No. 645 (1996). Therefore, information on the sex offender registration form is public except for the specific categories listed in article 62.08(b). *Id.* at 3 (local law enforcement agencies required to release information contained in the Department of Public Safety database upon written request). Accordingly, the department must release only the following categories of information regarding each registered sex offender: the person’s full name, each alias, date of birth, sex, race, height, weight, eye color, hair color, shoe size, residential street name (but not number), the type of offense the person was convicted of, the age of the victim, the date of conviction, the punishment received, and information reflecting whether the person is discharged, paroled, or released on juvenile probation, community supervision, or mandatory supervision.

presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,

A handwritten signature in black ink that reads "Sam Haddad". The signature is fluid and cursive, with the first name "Sam" and last name "Haddad" clearly legible.

Sam Haddad
Assistant Attorney General
Open Records Division

Ref.: ID# 123389

Encl: Submitted information

cc: Mr. Jeffrey S. Goldstein
Attorney & Counselor at Law
6200 Savoy Dr., Suite 625
Houston, Texas 77036
(w/o enclosures)